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| 09/862,865      | 05/22/2001  | Richard P. Coupland  | 013742-0018 (B72489) | 1078             |

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EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/862,865

Applicant(s)

COUPLAND ET AL.

Examiner

Matthew s Gart

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15, 16 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

Claims 1-25 are pending in the instant application. No claims were amended via the Attorney's response (Filed: 10-14-2003) to the Examiner's non-final office action (Filed: 7-8-2003)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-13, 15-17 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by MacDonald Patent Application Publication US 2002/0099576 A1.**

Referring to claim 1. MacDonald discloses a system for providing reservation data comprising:

- A reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems (Fig.1); and
- A master reservation system (Fig.1, "22" and "30") coupled to the reservation data system (Fig. 1, "22" and "30"), the master reservation system receiving the reservation inventory data and storing the reservation inventory data in a database, the master reservation system receiving the inventory update data and

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updating the database with the inventory update data (paragraph 0007 and paragraph 0008);

- A user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing updated reservation inventory data in response to the reservation request data (Fig. 1, "12"); and
- Wherein the inventory update data is generated in real time as each reservation system is updated to reflect current inventory (paragraph 0040).

Referring to claim 2. MacDonald further discloses a system comprising a monitoring system coupled to the master reservation system, the monitoring system storing each set of inventory update data and sequence number data associated with the set of inventory update data (paragraph 0035 through paragraph 0045).

Referring to claim 3. MacDonald further discloses a system comprising a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data system and transmitting the inventory update data to reservation data system interface (paragraph 0005).

Referring to claim 4. MacDonald further discloses a system wherein the master reservation system comprises a chain system receiving chain modification data and updating the database with the chain modification data (Fig. 1, "HOTEL 1" and "HOTEL 2").

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Referring to claim 5. MacDonald further discloses a system wherein the master reservation system comprises a property system receiving property modification data and updating the database with the property modification data (paragraph 0033 and paragraph 0034).

Referring to claim 6. MacDonald further discloses a system wherein the master reservation system comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 7. MacDonald further discloses a system wherein the master reservation system comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data (paragraph 0033 and paragraph 0034).

Referring to claim 8. MacDonald discloses a method for providing reservation data comprising:

- Storing reservation inventory data from two or more reservation data systems in a database (Fig. 1);
  - Receiving inventory status update data from one or more of the reservation data systems in real-time as such inventory status update data is implemented in the associated reservation data system (paragraph 0040);
  - Updating the database with the inventory status update data (paragraph 0040);
- and

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- Storing the inventory status update data with an associate sequence number (paragraph 0035 through paragraph 0045).

Referring to claim 9. MacDonald further discloses a method wherein storing reservation inventory data from two or more reservation data systems in a database comprises storing hotel chain data (Fig. 1, "HOTEL 1" and "HOTEL 2").

Referring to claim 10. MacDonald further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing property data (Fig. 1).

Referring to claim 11. MacDonald further discloses a method wherein storing reservation data from two or more reservation data systems in a database comprises storing rate plan data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 12. MacDonald further discloses a method wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room availability update data that indicates that a room that had previously been indicated as being reserved (paragraph 0033 and paragraph 0034).

Referring to claim 13. MacDonald further discloses a method wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room price update data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

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Referring to claim 15. MacDonald discloses a method for providing reservation data comprising:

- Storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database (Fig. 1);
- Receiving a request for reservation data for one or more of the properties at a central interface (paragraph 0008);
- Providing reservation data reflecting the current status of the property (paragraph 0008); and
- Wherein the available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and wherein the current status of the available inventory at each property reflects such independent modifications (paragraph 0025).

Referring to claim 16. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database further comprises updating the database with status update data reflecting the availability of previously unavailable inventory (paragraph 0033 and paragraph 0034).

Referring to claim 17. MacDonald further discloses a method wherein updating the database with status update data further comprises storing the status update data

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and a unique transaction sequence number associated with the status update data (paragraph 0035 through paragraph 0045).

Referring to claim 19. MacDonald further discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 20. MacDonald further discloses a method wherein receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data (paragraph 0005, "In some implementations, the website provides the user with information regarding the cost and features of particular units.").

Referring to claim 21. MacDonald further discloses a system wherein the reservation inventory data includes room availability data for each of the available rooms at each property managed by each of the two or more reservation systems, and where the inventory update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at the property and which have since become unavailable (paragraph 0033 and paragraph 0034).

Referring to claim 22. MacDonald further discloses a system comprising:

- A master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data regardless of the source of the inventory update data system and transmitting the inventory update data to the reservation data system interface (fig. 1);



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- A status update system providing status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system (paragraph 0005); and
- Wherein the master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system (paragraph 0008).

Referring to claim 23. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises:

- Receiving status update data at a local property reservation system when a room at a property has been reserved (paragraph 0033 and paragraph 0034);
- Transmitting the status update data to the database (paragraph 0033 and paragraph 0034); and
- Updating a central database to decrease the number of available rooms for the property (paragraph 0033 and paragraph 0034).

Referring to claim 24. MacDonald further discloses a method wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprising:

- Receiving status update data at a local property reservation system when a rate plan at a property has been changed (paragraph 0005);
- Transmitting the status update data to the database (paragraph 0005); and

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- Updating a central database to change the rate plan for each of the rooms for the property (paragraph 0005).

Referring to claim 25. MacDonald further discloses a method wherein storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises:

- Receiving status update data at a hotel chain reservation system when distribution channel data for a hotel chain has been changed (paragraph 0033 and paragraph 0034);
- Transmitting the status update data to the database (paragraph 0033 and paragraph 0034); and
- Updating a central database to change the distribution channel data for each of two or more properties in the hotel chain (paragraph 0033 and paragraph 0034).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald Patent Application Publication US 2002/0099576 A1 in view of HRN (PTO-892, Ref U).**

Referring to claim 14. MacDonald et al. discloses a method according to claim 8 as indicated supra. MacDonald et al. does not expressly disclose receiving status

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update data from one or more of the reservation data systems comprises receiving distressed inventory data. HRN discloses receiving status update data from one or more of the reservation data systems comprises receiving distressed inventory data (at least page 1, paragraph 2, i.e. "HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities."). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of MacDonald to have included the limitations of HRN as discussed above in order to allow easy access to continuously updated information concerning availability of units (paragraph 0005).

Referring to claim 18. MacDonald et al. discloses a method according to claim 15 as indicated supra. MacDonald et al. does not expressly disclose a method wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory. HRN discloses a method wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory (at least page 1, paragraph 2, i.e. "HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities.").

### ***Response to Arguments***

Applicant's arguments filed 10/14/2003 have been fully considered but they are not persuasive.

The Attorney argues that MacDonald fails to provide a basis for the rejection of claims 1-13, 15-17 and 19-25 under 35 U.S.C. 102, because it fails to disclose each

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element of the claims invention. The Attorney further argues that MacDonald does not reference vendor systems in the application, nor reference real-time processes.

The Examiner notes, the system as disclosed by MacDonald is used to manage reservations. The invention may be used in many applications involving reservations, e.g., to manage reservations for hotel rooms, rental condos or spaces at a campground. In each case, a diagram of the space (hotel, condominium or campground) would be provided, and users could click on a particular unit (room/condo unit/space) and obtain information regarding availability of that unit, and a view of the unit (MacDonald: claim 8, claim 9 or claim 10). In each application the hotel, condominium or campground would inherently comprise a vendor system. This is shown via paragraph 0005, where the invention allows a person wishing to make a reservation to easily access information regarding the availability of units (e.g., cabins or rooms) during a particular time period. The invention also allows a person in charge of managing reservations to provide travelers (or others wishing to make reservations) with easy access to continuously updated information concerning availability of units. In some implementations, the website provides the user with information regarding the cost and features of particular units. Without a vendor system the central website server would not be enabled to receive said continuously updated information concerning availability of units.

Paragraph 0034 further discloses a system wherein the reservation availability information is current based on information provided by the host in real time over the Internet. Therefore, the vendor would inherently need some sort of vendor system in order to transmit said information.

The Attorney further argues that the only reservation system disclosed in MacDonald is at the centralized website, and is manually set up by the “reservation takers” as well as developers who “use an application running on the website server to interactively associate coordinates with each unit on an electronically represented version of the plan. The Attorney further argues the MacDonald fails to disclose anything resembling modern hotel reservation systems that are updated in real-time by website users or live hotel reservation operators.

The Examiner notes, MacDonald clearly discloses in paragraph 0042, a system wherein the invention may be used in many applications involving reservations, e.g., to manage reservations for hotel rooms, rental condos or spaces at a campground.

The Attorney argues that MacDonald only discloses the prior art method of having a centralized database that is updated by user-input, where the accuracy of such updates is limited by the frequency of user updates as well as the selection of rooms that are made available to the centralized database.

The Examiner notes, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Attorney argues that MacDonald only discusses a single reservation data system.

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The Examiner notes, MacDonald discloses a reservation system that is connected to a plurality of Hotels, condominiums, campgrounds, etc... This is illustrated in Figure 1.

The Attorney argues that MacDonald does not disclose sequence numbers, such as to allow the data to be reconstructed in the event an update was delayed.

The Examiner notes, MacDonald does disclose a system wherein reservation makers are able to check on the availability of units at a place of accommodation over the Internet. Using a standard web browser users can connect to a website via the Internet. The dynamic graphical indication of reservation availability is compatible with widely used web browser software and is based on real time data received from respective cruise line reservation systems. For example, the software system of a cruise line is issued an information request by the website server, requesting the most current reservation availability status for the cabins shown on the "Mariner Deck" for use in this single web page rendering (paragraph 0028). Repeating this requesting act querying the most current reservation availability status allows the data to become current in the event an update was delayed.

The Attorney argues that MacDonald does not disclose a master reservation system that comprises a chain system receiving chain modification data and updating the database with the chain modification data.

The Examiner notes, Figure 1 of MacDonald does show "HOTEL 1" and "HOTEL 2." There is no indication that these two hotels are merely two separate hotels. Fig. 4 further discloses a snapshot of "Smart Deck" where a user can select a cabin. Under

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"Cruise Tools" a user can search under "Cruise Line." By definition "Cruise Line" can be construed as a chain of various cruise ships that together form the Cruise Line.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

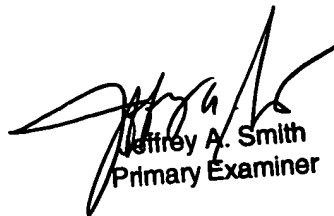
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 703-308-3588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

October 30, 2003



Jeffrey A. Smith  
Primary Examiner